

Silverton STANDARD & the MINER

Weekly Miner
established 1875

SILVERTON'S PIONEER NEWSPAPER SINCE 1875

Silverton Standard
established 1889

IN BRIEF

Llama Fest Sept. 22-25

Learn about llamas at the 2011 Pack Llama Festival on Saturday, Sept. 24 at Kendall Mountain Recreation Area.

Get your hands on the animals and see what they can do. Then stay for the concert by the Andy Hackbarth Band. Tickets are only \$15!

The Andy Hackbarth Band, based out of Denver, will be performing at the 2011 Pack Llama Festival on Saturday night. Denver-area folks may have seen them perform at the Botanic Gardens' Garden Grapes and Hops event, the Rock Bottom Summer Concert series, the Hard Rock's 40th anniversary Celebration, Kenny Chesney's "Goin' Postal" Kickoff Party, at the finish line of the Denver Triathlon and at the Water for People fundraiser this summer.

The band also performs frequently in Wyoming, Idaho, Utah and throughout Colorado. Visit <http://andyhackbarth.com/> for more information!

Skepticism over Superfund

By Mark Esper

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Some question the need for designation and possible negative impact on tourism

Sept. 12.

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**Field trip Friday;
more input sought**
Page 3

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HERE IT COMES!



Anvil Mtn. plat OK'd by panel

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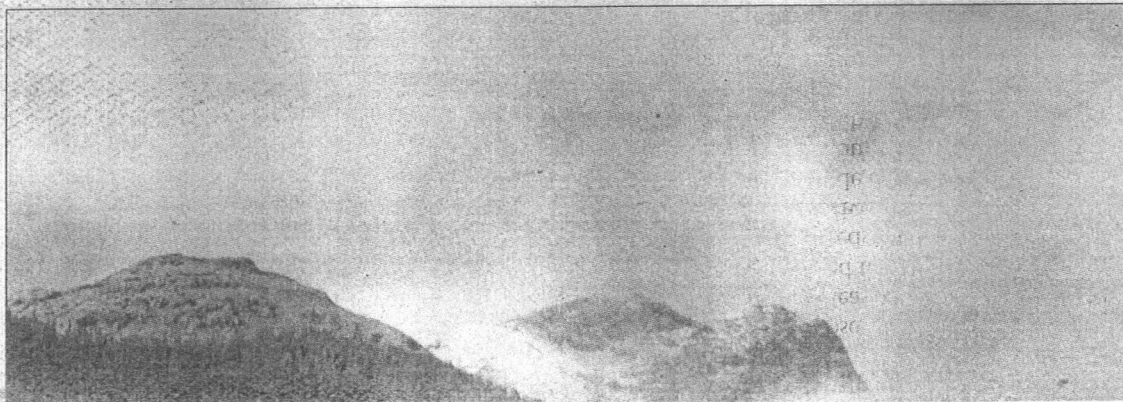
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IN BRIEF

Field trip to remediated mine sites set for Friday

The Animas River Stakeholders Group is sponsoring a field trip to remediated mine sites in the Silver Creek and Cement Creek watersheds on Friday, Sept. 16. We will also look at some of the issues around Gladstone," coordinator Peter Butler of the group. "We plan to meet at the large pullout on the west side of the highway, south of the Animas River near Red Mountain at 8:30 a.m."

The tour will continue all day. Please let me know if you are interested in participating so we can have a head count, and we may have lunch," Butler said. He can be reached at (970) 259-0986. We will need 4-wheel drive vehicles, preferably with short wheelbases," Butler said. "We need to fill those 4-wheel drives to minimize the number of vehicles going on the tour."

Since 1994, the Animas River Stakeholders Group has worked to improve water quality in the Animas Basin through a collaborative approach involving all interested parties.

Public input sought

Cement Creek woes

The Environmental Protection Agency and the Colorado Department of Public Health and Environment are hosting a session Friday to accept informal public input on what should be done about mining impacts to watersheds of Upper Cement Creek. Staff from EPA and CDPHE are on hand to listen to ideas and answer questions about cleanup options, including the Superfund program.

"We want to hear from you," said Jennifer Lane, EPA community involvement coordinator. They will be at Stellar Bakery & Pizzeria to share your thoughts during a tour of Upper Cement Creek on Friday, Sept. 16, from 4 to 6 p.m. That event will be a field trip sponsored by Animas River Stakeholders Group. Complementary refreshments will be provided by Stellar Bakery & Pizzeria.

Call, e-mail or write with thoughts and ideas for improving the watershed: Jennifer Lane, EPA Community Involvement Coordinator, U.S. EPA, 1595 Cooper Street (80C) Denver, 80202-1120

Or call (303) 312-6813 (direct) (800) 227-8917, ext. 312-6813 (toll-free), or e-mail lane.jennifer@epa.gov

ATV staging area OK'd for permanent use

The Silverton Town Council on Monday unanimously approved the first reading of an ordinance that will allow the ATV access to a staging area at Silverton Lakes Campgrounds on a permanent basis.

The town this summer had allowed the staging area to be operated on a temporary basis and the consensus was it has been a success in providing more convenient access to town for ATV operators.

ATVs are banned from town streets except for the short stretches on the north end of town that access the staging area.

Mary Thornton of San Juan Backcountry said her company, which rents ATVs and Jeeps, used the staging area 35 times in June, 325 times in July and 180 times in August.

"I believe this is a wonderful service for people to be able to come into town and town and do shopping," she said.

Town Trustee Karla Safranski said she feels the staging area has been a great success.

She said she'd like to work out a plan whereby the two campgrounds at the south end of town could also gain access, perhaps in conjunction with a trails plan being worked on by Mountain Studies Institute. That trail plan hit a dead end when the State

Public Utilities Commission demanded an overpass over the railroad.

Penny Moore named alternate town judge

The Silverton Town Council has appointed Penny Moore to serve in the capacity of alternate municipal judge for the town.

Municipal Judge Lyndon Skinner requested the appointment in a letter to the Town Council. He noted that Janet O'Leary had served in that capacity prior to her serving on the Town Council.

"Since losing Janet approximately two years ago I have been unable to fill the position," Skinner said. He said that he asked Moore to serve and she expressed willingness to do so.

"Penny is highly qualified for the work," Skinner said. "She held the position of Clerk of the County and District Courts for two decades or so and has firsthand real-life experience in literally thousands of court cases."

Skinner said Moore will probably be needed for only 10 or so hours per year.



Raise the party at Montana



Oktoberfest Celebration!



Saturday Sept 24th
Jack Ten High
Playing live 8:30

2011 Statewide Ballot

A YES vote on any ballot issue is a vote in favor of changing current law or existing circumstances, and a NO vote on any ballot issue is a vote against changing current law or existing circumstances.

I, Michael Mauer, Director of Research of the Colorado Legislative Council of the General Assembly of the State of Colorado, do hereby certify that the following is a true copy of the measures that will be voted upon by the registered electors of the state of Colorado at the statewide election to be held on November 1, 2011.

PROPOSITION 103

SHALL STATE TAXES BE INCREASED \$536.1 MILLION ANNUALLY IN THE FIRST FULL FISCAL YEAR AND BY SUCH AMOUNTS AS ARE RAISED ANNUALLY THEREAFTER BY AMENDMENTS TO THE COLORADO REVISED STATUTES CONCERNING A TEMPORARY INCREASE IN CERTAIN STATE TAXES FOR ADDITIONAL PUBLIC EDUCATION FUNDING, AND, IN CONNECTION THEREWITH, INCREASING THE RATE OF THE STATE INCOME TAX IMPOSED ON ALL TAXPAYERS FROM 4.63% TO 5% FOR THE 2012 THROUGH 2016 INCOME TAX YEARS; INCREASING THE RATE OF THE STATE SALES AND USE TAX FROM 2.9% TO 3% FOR A PERIOD OF FIVE YEARS COMMENCING ON JANUARY 1, 2012; REQUIRING THAT THE ADDITIONAL REVENUES RESULTING FROM THESE INCREASED TAX RATES BE SPENT ONLY TO FUND PUBLIC EDUCATION FROM PRESCHOOL THROUGH TWELFTH GRADE AND PUBLIC POSTSECONDARY EDUCATION; SPECIFYING THAT THE APPROPRIATION OF THE ADDITIONAL TAX REVENUES BE IN ADDITION TO AND NOT SUBSTITUTED FOR MONEYS OTHERWISE APPROPRIATED FOR PUBLIC EDUCATION FROM PRESCHOOL THROUGH TWELFTH GRADE AND PUBLIC POSTSECONDARY EDUCATION FOR THE 2011-12 FISCAL YEAR; AND ALLOWING THE

PRESCHOOL THROUGH PUBLIC POSTSECONDARY EDUCATION WHICH APPROPRIATION SHALL BE THE AMOUNT APPROPRIATED FOR FISCAL YEAR 2011

SECTION 2. 39-22-104 (2), is amended, and the said 39-22-104, BY THE ADDITION OF A NEW

39-22-104. Income taxes, estates, and trusts - single (1.9) SUBJECT TO SUBSECTION, WITH RESPECT TO COMMENCING ON OR AFTER PRIOR TO JANUARY 1, 2017 IS IMPOSED ON THE FEDERAL DETERMINED PURSUANT TO INTERNAL REVENUE CODE ESTATE, AND TRUST.

(2) Prior to the application of subsection (1), (1.5), or (1.7), federal taxable income shall be the sum of the taxable income from subsections (3) and (4) of this

SECTION 3. 39-22-301 (1) Statutes, is amended, and the further amended BY THE ADDITIONAL SUBPARAGRAPH, to read:

39-22-301. Corporate Tax Imposed upon each domestic corporation doing business in this state an amount of the net income of such year derived from sources within the following schedule of rates: (I) Except as otherwise provided, income tax years commencing on or after January 1, 2000, BUT PRIOR TO JANUARY 1, 2017, shall be at a rate of sixty-three one hundredths percent of the net income.

(J) FOR INCOME TAX YEAR

Mother Kluckers
Will be closed
Sept 14th-17th
.....
Open for
SUNDAY BRUNCH
at 9:00 am
.....
**Oktoberfest
Specials!**
Sept 18th-Oct 2nd
.....
116 S. 12th St
(next to the bank)
970-397-5585

SOUTH POLE!

You can find out (without freezing your buns off), by attending "The Last Place on Earth — Living & Working at the Amundsen-Scott South Pole Station," a presentation by Scot Jackson.

Scot will be returning to the Pole for his 10th season in October. Join us for an evening of adventure with a talk, some show and tell items, and a power-point presentation.

The presentation will be on Tuesday, Sept. 20, at 7 p.m. at the American Legion Assembly Hall.

The event is sponsored by the Silverton Mountain School.

Commodities to be distributed Sept. 27

Commodities distribution will occur on Sept. 27, from 1-3 p.m. in the basement of the Miners

the past four years will not be there this winter. Much of the shop's inventory will be available for sale at the sports swap.

Flu vaccination clinics planned for Oct. 12-13

The San Juan County Public Health Service office has scheduled fall flu vaccination clinics.

On Tuesday and Wednesday, Oct. 11 and 12, clinics will be held at the health service office at the old Miners Union Hospital at 1315 Snowden St., from 9 a.m. to 3 p.m.

A clinic is also planned for Thursday, Oct. 13 for the Senior Citizens dinner at the Brown Bear Cafe.

Cost for the vaccination is \$20 (or make sure to bring your Medicare card).

If you need or would like a house call, please call 387-0242.

Say NO to Superfund!

Drain the American Tunnel. Treat the Water. End the Problem.

Advertisement paid for by Gladstone Institute

Place an ad letting people know where you stand on any local issue (unless it's to say you think this paper is lousy)!

Call the Standard office, 387-5477

Ongoing

• **Mike Geryak, Silverton's King of Rock and Roll**, at the Velvet Lounge, Fridays, 7-9 p.m.

• **San Juan County Historical Society Archive** — Regular hours on Tuesdays and Thursdays, 9 a.m. to noon.

• **Blair Street First Friday Shop Walk**. Every first Friday of the month July through October, shops open 5-8 p.m.,

at Silverton Mountain, painting, sewing and needlework.

Silverton Youth Center activities

Silverton Youth Center is open from 4-9 p.m. Mondays through Thursdays, and 4-10 p.m. on Fridays and Saturdays. Closed Sundays.

Mondays — Mad Scientist, 4-5 p.m.; Tuesdays, Wednesdays — Hang Out Time; Thursdays — elementary movie, 6 p.m.; Fridays — mid-

at Silverton Mountain, painting, sewing and needlework.

Kendall Mountain Cafe.

Send us your 'Happening'

Got somethin' goin' on?

Contact the *Silverton Standard*. Phone 387-5477 or e-mail editor@Silvertonstandard.com

FOR THE RECORD

San Juan County Sheriff's Office blotter

Sept. 5 — Routine patrol and office work.

Sept. 6 — A theft was reported and the item was later returned.

Sept. 7 — A motorcycle rider was reported overdue; the subject later called and said he was OK. Thank you to Search and Rescue personnel who helped look for the rider. Two citizens were assisted. A parking warning was issued. A warning was issued for blocking a lane of traffic. A warning was issued for

following too closely. A warning was issued for impeding traffic.

Sept. 8 — Two motorists were assisted. A warning was issued for a noise complaint.

Sept. 9 — Peter D., Olson, of Santa Fe, N.M., was issued a citation for speeding; 48 in a 30-mph zone. A citizen was assisted. A suspicious incident was investigated. A found wallet was returned to the owner. A warning was issued for obstructing a stop sign. A citation was issued for parking in a handicap zone. A warning was issued for a stop-sign violation. A dog at

large warning was issued. Two citizens were assisted. A warning was issued for speeding. A warning was issued for no headlights and for weaving. A warning was issued for weaving.

Sept. 10 — Agustin Rivera-Cedillo, of Santa Fe, N.M., was issued a citation for speeding; 49 in a 30-mph zone. Two citizens were assisted. Two warnings were issued for speeding. A warning was issued to an unlicensed motorcycle. A warning was issued for loud music in Memorial Park. Three warnings were issued for open containers in Memorial Park. A dog-at-large warning was issued. A broken window was reported.

Sept. 11 — Rescued an injured hunter from King Solomon Mountain. San Juan and La Plata County Search and Rescue teams were able to assist the hiker in walking out. Thank you to the Search and Rescue teams. A citizen was assisted. A missing mule and horse were reported.

*Chris & Penny Higgins
would like to say thank you to everyone for
making their wedding day one to remember. A
special thanks to the Shady Lady Restaurant,
the Grand Imperial Hotel/Grumpy's & the very
special girls in the bridal party who went above
and beyond the call of duty.
Thank You One & All*

SUPERFUND, from Page 1

Compensation and Liability Act of 1980 (commonly referred to as Superfund) — is one of the largest funding sources available to deal with a wide range of contamination issues.

An assessment conducted by the EPA in recent months found that a cluster of mines on upper Cement Creek are causing problems serious enough to justify Superfund listing.

But for that to happen, Forrest said, community support is needed and the governor must request such listing.

Town Trustee David Zanoni questioned how "community support" is being defined, alleging that "a lot of people in La Plata County want to dictate what goes on in our county."

And Silverton resident Barbara Renowden asked how the EPA could determine what metals could be attributed to mine

drainage, given that there is a lot of natural mineralization of runoff occurring in the San Juans.

Forrest said the EPA conducted intensive sampling last fall, and also has at its disposal at least 15 years of sampling results from the Animas River Stakeholders Group and other sources. She said the difference between water quality upstream from the mines and below the mine drainage points clearly shows metals coming from those sources.

"We have a lot of data," Forrest said.

Doug Jamison, Superfund and Voluntary Cleanup Unit leader for the Colorado Department of Health and the Environment said that while there is a lot of "natural background contamination," data "consistently shows contamination from mine drainage. We have a ton of supporting data."

Jamison also addressed concerns that a Superfund designation could harm the town's

"Responsible mining is a good thing. The EPA is not against mining."

Sabrina Forrest,
EPA site assessment
manager

tourism-based economy.

Critics of Superfund have pointed to the experience of Leadville.

The town is now 98 percent cleaned up and the Superfund designation is about to expire. The town has made major efforts to improve its economy by encouraging tourism and emphasizing its history and opportunities for outdoor recreation.

"We've learned to be a lot more sensitive to community concerns," Jamison said.

Jamison said that while a number of mistakes were made at Leadville, the EPA and CDPHE now have "a fabulous relationship" with the town.

"It doesn't seem to affect tourism there," Jamison said. "Property values are up."

Silverton resident Larry Raab suggested an alternative preferable to Superfund would be to have a mining company come in and resume operations while addressing the water quality issues.

"It certainly would be better to have some kind of production allowed that could mitigate that," Raab said.

And Forrest said the EPA doesn't object to that approach either.

"Responsible mining is a good thing," Forrest said. "The EPA is not against mining."

Then on Wednesday morning, Sept. 14, EPA officials met with the San Juan County Board of Commissioners.

Forrest explained to the commissioners that at this point the EPA doesn't claim to have all the answers on how to address the Cement Creek problems.

"We need more input," Forrest said. She said that despite the talk of the need for a large-scale treatment plant, that ultimately may not be the way to go.

"We don't have presumed remedies in place," Forrest said.

Barbara Nabors, project manager for the Colorado Department of Public Health and the Environment, said that agency would likely be charged with operating a water treatment plant if that route is taken. That would be financed by state solid waste tipping fees.


"We feel it is our job to address these problems," she said.

County Board Chairman Ernie Kuhlman told the state and federal officials that he needs more details on what the cleanup plan involves before he can give it his blessing.

And Commissioner Terry Rhoades, hearing that one idea under consideration involves more bulkheads of mine portals above Gladstone, worried that such a move would foreclose on any possible future mining there.

"There would be no chance of any mining if you bulkhead that whole mountain off," Rhoades said. He suggested a suitable site for a treatment plant could be found on Cement Creek just a mile or so above Silverton.


John Ferguson of Silverton, operations manager for Colorado Goldfields, a Denver-based firm hoping to bring mining back to the area, said his biggest concern is that "outside investment will not come to an area with a Superfund designation. It's a



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enough reason to update my closet. Find out what
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great, giant stop sign.

Melody Skinner, a Silverton resident who resides along Cement Creek, said what the county really needs is jobs, and Superfund could provide that, along with "improving the lives for everybody downriver from us."

Steve Fearn of Silverton, a coordinator for the Animas River Stakeholders Group, said that entity is setting up a workgroup to give some "shape and definition" to possible solutions to the Cement Creek water quality issue.

But he expressed concern that with Superfund, "in the end the EPA makes the final decisions. Period."

But Fearn also expressed optimism that a cooperative approach can be developed.

Commissioner Pete McKay said the status quo is unacceptable. And if the Superfund option is not exercised, some other viable alternative must be found.

EPA officials encouraged the county to take the lead in gathering community input, perhaps by visiting other Superfund sites and hosting a forum on the matter.

The commissioners agreed with that approach.

And County Administrator Willy Tookey said the county should also "bring people to the table" who have resources that can be brought to bear on the problem, including state and federal agencies and mining companies associated with the properties involved.

"The problem is the same with or without Superfund," Tookey said. He said other routes of financing the Cement Creek cleanup effort should be explored.

"We might have to push the envelope and be creative," Tookey said.